

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: SUNEDISON, INC. SECURITIES
LITIGATION

This Document Relates To:

Horowitz et al. v. SunEdison, Inc. et al.,
Case No. 1:16-cv-07917-PKC

Civil Action No. 1:16-md-2742-PKC

STIPULATION AND [PROPOSED] SCHEDULING ORDER

WHEREAS, on November 14, 2018, the Court entered a stipulated scheduling order under which the parties were due to: (a) complete fact discovery by February 8, 2019; (b) file opening expert reports on or before March 1, 2019; (c) file rebuttal expert reports on or before March 29, 2019; and (d) complete expert discovery by April 26, 2019;

WHEREAS, on April 17, 2018, the Court entered a scheduling order at a pretrial conference setting the Final Pretrial Submission date thirty days after the close of expert discovery;

WHEREAS, on March 1, 2019, Defendants served four expert reports concerning certain Defendants' due diligence, materiality, and negative causation and damages, and Plaintiffs served two expert reports concerning loss causation/damages and the context of and support for the statement underlying Plaintiffs' claim against Ahmad Chatila under the Securities Exchange Act of 1934;

WHEREAS, on March 7, 2019, Defendants filed pre-motion letters summarizing the contemplated grounds for anticipated summary judgment motions, including in the Underwriter Defendants' letter a proposed summary judgment briefing schedule—agreed to by Plaintiffs—which provided that: (i) summary judgment motions would be due on or before June 7, 2019;

(ii) oppositions would be due on or before July 19, 2019; and (iii) replies would be due August 9, 2019;

WHEREAS, to date, the Court has not so-ordered a briefing schedule for summary judgment;

WHEREAS, on March 29, 2019, Plaintiffs served three rebuttal expert reports and Defendant Chatila served one rebuttal expert report;

WHEREAS, in total, the parties served ten expert reports spanning thousands of pages submitted by nine different experts, most of whom are based outside of New York and all of whom will have to be deposed;

WHEREAS the parties have worked diligently to schedule depositions for all nine expert witnesses, but because of the number of witnesses and parties involved, the disparate geographic locations of the experts, and the Easter and Passover holidays in April, the parties have determined that it is not feasible to complete expert discovery by the current April 26, 2019 deadline;

WHEREAS the parties have met and conferred and agreed that May 31, 2019 is a realistic deadline by which to complete expert discovery, and that the proposed deadlines for summary judgment briefing should be extended commensurately; and

WHEREAS the parties believe, in light of the planned summary judgment briefing, that it would better conserve the parties' and the Court's time and resources to defer the Final Pretrial Submission date to thirty days before trial;

NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the parties hereto, that:

- (1) The deadline for completion of expert discovery, including expert depositions, shall be May 31, 2019;
- (2) The deadline for Defendants to file their motions for summary judgment shall be July 19, 2019;
- (3) The deadline for Plaintiffs to file their oppositions to Defendants' motions for summary judgment shall be August 23, 2019;
- (4) The deadline for Defendants to file reply memoranda in support of their summary judgment motions shall be September 13, 2019; and
- (5) The Final Pretrial Submission date shall be thirty days before a trial date to be set by the court.

Dated: April 11, 2019

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SO ORDERED:

Hon. P. Kevin Castel
United States District Judge

Dated: _____, 2019